

AN ORDINANCE

TO AMEND VARIOUS SECTIONS OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE (LAND MANAGEMENT ORDINANCE) TO MODIFY THE REQUIREMENTS APPLYING TO "OUTDOOR ADVERTISING SIGNS" (Z-13-2012)

WHEREAS, there is a need to amend Land Management Ordinance Section 19-6.6.2, "Prohibited signs," and Section 19-6.6.5, "Outdoor advertising signs," to conform with the decision of the South Carolina Court of Appeals in the case of *Morris Communications v. City of Greenville*; and

WHEREAS, the need presents an opportunity to review the terms of the section which relate to the ability of sign companies to improve the condition and appearance of existing signs, provided the size and location of the signs are not altered; and the overall result of changes reduces sign clutter and enhances the appearance of rights of ways within the City; and

WHEREAS, the City Planning Commission pursuant to public notice held a public hearing on March 8, 2012, to consider the proposed amendments to the Land Management Ordinance to modify the requirements applying to outdoor advertising signs and recommended approval of the proposed amendments; and

WHEREAS, City Council has reviewed the proposed amendment as recommended by the Planning Commission and has made minor revisions to improve feasible options for comprehensive agreements which can significantly reduce the number of sign faces and sign structures, while permitting a slight increase in size for specific small signs;

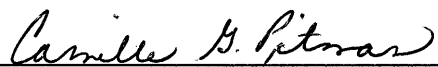
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that Chapter 19 of the Code of Ordinances of the City of Greenville (Land Management Ordinance) is amended to modify the requirements applying to "Outdoor advertising signs", which are attached hereto as "Proposed Amendments to Chapter 19 Re: Outdoor advertising signs" and incorporated herein by reference.

DONE, RATIFY AND PASSED THIS THE 23 DAY OF July, 2012.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED:



CITY MANAGER

ATTACHMENT**Amendments to Chapter 19 re "Outdoor Advertising Signs"****19-6.6.2**

Prohibited signs. Unless specifically permitted elsewhere in this section, the following signs shall be prohibited:

- (A) Signs which imitate an official traffic sign or signal, or contain words or symbols displayed in a manner which could mislead or confuse drivers of vehicles, or which display intermittent lights resembling the color, size, shapes or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles.
- (B) Signs which utilize lights, individually, as part of a lighting component, or in any other manner, that flash, strobe, pulsate, blink, twinkle, and or that create a sense of movement by scrolling, rolling, expanding and contracting written messages or visual images, and or that recreate or simulate moving video images.
- (C) Signs employing motion in such a manner as to obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic, or of a traffic signal, device or sign, or which would otherwise interfere with a driver's operation of a motor vehicle.
- (D) Sign lighting that casts intense illumination onto any residential premises located in any residential district in a manner that by intensity, duration, location, or other characteristic is incompatible with a residential character.
- (E) Roof signs.
- (F) Portable signs.
- (G) Beacons or search lights.
- (H) Inflatable signs.
- (I) Vehicle signs.
- (J) Pennants.
- (K) Snipe signs.
- (L) Off-premises signs, except such signs that identify, advertise, or give directions to government, quasi-government, nonprofit, charitable, cultural, educational, religious, or similar uses.
- (M) Abandoned signs.
- (N) Dilapidated signs.
- (O) Type I outdoor advertising signs, ~~including digital technology~~, except as provided for in subsection 19-6.6.5, outdoor advertising signs.
- (P) Flags containing text or graphics advertising a business, service, or product.

19-6.6.5

Outdoor advertising signs.

(A)

Type I signs.

(1)

Spacing: Minimum distance from certain uses. Type I outdoor advertising signs shall not be located closer than 1,000 feet to another Type I outdoor advertising sign or an historic property listed on the National Register, a PO (preservation overlay district), or a public park; or closer than 500 feet to a residential district or cemetery, the C-4 central business district, or the right-of-way of I-385, I-185, Pleasantburg Drive, Pete Hollis Highway, Mills Avenue, Haywood Road, Woodruff Road, Verdae Boulevard, Church Street or Roper Mountain Road. These distances shall be computed whether the existing sign or protected use is within the city limits or not.

(2)

Districts where permitted. Type I outdoor advertising signs shall only be permitted in C-3, S-1 and I-1 districts.

(3)

Maximum area. No single sign face shall exceed 378 square feet in area. Extended advertising area shall not exceed 50 square feet in area.

(4)

Maximum height. Type I outdoor advertising signs shall not exceed 35 feet in height.

(5)

Setback. All parts of a Type I outdoor advertising sign shall be located no closer than 15 feet from a public right-of-way.

(6)

Number of faces. Two faces shall be allowed per Type I outdoor advertising sign structure. These faces shall be parallel to each other or at an interior angle to one another not greater than 60 degrees. There shall be no double-decker or side-by-side Type I outdoor advertising signs.

(7)

Signs not to be counted as part of total number of allowed on-premises signs. Type I outdoor advertising signs shall not count toward the total number of permanent signs allowed on the premises on which they are located.

(8)

Maximum number. The maximum number of Type I outdoor advertising signs permitted within the City of Greenville shall not exceed the maximum number of legally-established conforming

Type I outdoor advertising signs existing on June 11, 2001. However, in the event that unincorporated areas are annexed into the City of Greenville, the total number of allowable Type I outdoor advertising signs shall be increased by the number of legally-established conforming Type I outdoor advertising signs existing in the territories annexed on the effective date of annexation.

(9)

Determination of maximum. All conforming Type I outdoor advertising signs existing on June 11, 2001, shall be re-permitted for purposes of determining the maximum number of allowed signs. By August 31, 2001, the sign owners shall submit to the city the following information for each existing Type I outdoor advertising sign:

(a)

Location (e.g., address and/or tax map number of parcel);

(b)

Size of each sign face, excluding extended advertising space;

(c)

Height of each sign;

(d)

Name, address and telephone number of the owner of each sign, and the same information of any person having a security interest in each sign;

(e)

If the parcel on which a sign is located is not owned by the owner of the sign, the remaining term of the lease;

(f)

Digital or professionally-processed color photographs of each sign face and sign structure that has such quality and clarity as to make identification reliable; and

(g)

Date of erection of sign.

(h)

Any existing Type I outdoor advertising sign that is not re-permitted shall be classified as a prohibited and illegal sign and shall be completely removed within 60 days of notification to the sign owner.

(10)

New signs as replacements.

(a)

A sign permit shall be required for the construction and erection of Type I outdoor advertising signs. No permit to construct or erect a Type I sign shall be issued until the city has verified that at least one existing Type I outdoor advertising sign has been completely removed.

(b)

The maximum area allowed for sign faces of new Type I signs as replacements shall not exceed the sign face area of the sign being replaced or the maximum area allowed in subsection c. above, whichever is less.

(c)

The construction or erection of a Type I outdoor advertising sign shall be completed within the time frame of the sign permit.

(11)

Zoning amendments for specific locations.

(a)

(i) The owner of a Type I sign may apply to city council for authorization to remove the sign and to replace it with another Type I sign at the same or at the same or a different location when the site of the replacement sign would not otherwise permit the use under this section, provided the application is submitted in accordance with the process for zoning amendments under this chapter.

(ii) The owner of a Type I sign may apply to city council for authorization to remove the sign and replace it with another Type I sign at the same location or at a comparable location without the necessity of treating the matter as a zoning amendment for action by city council, which may be taken by resolution. provided the new sign is no greater in height or face size, minor variations excepted for structural necessity. City council in its discretion may also authorize the use of LED lighting, or comparable digital luminance, for the face of the sign in such instances with due regard to nearby land uses and the compatibility of the proposed luminance with those uses. If the application for the replacement of Type I signs results in a reduction in the total number of sign faces in the City, then city council may allow an increase in the height and face size of individual replacement signs beyond what is otherwise permitted under this section.

(b)

No approval shall be granted for ~~the~~ a proposed new location of the replacement sign unless the sign owner first makes an affirmative showing that the replacement sign will be "aesthetically compatible" with the area where it is to be located and that the sign will not adversely impact public safety as a consequence of its design, construction, or placement. Approval for a replacement sign at the same location shall consider factors similar to those provided in this section for a new location, but also take into consideration the benefits arising from the reduction in size improved appearance of a non-conforming sign at the same location or the removal of signs at other locations.

(c)

For purposes of determining whether the proposed sign will be "aesthetically compatible", city council shall consider the following:

(1)

The height of the sign in relation to the height of surrounding structures and vegetation;

(2)

The vertical elevation of the sign site in relation to the elevation of nearby properties;

(3)

The sight distance from nearby properties to the sign's site;

(4)

The sign's potential for blocking views otherwise-available to occupants of nearby properties;

(5)

The sign's potential for blocking views otherwise-available to motorists and pedestrians on nearby streets and sidewalks;

(6)

The extent of the sign's reasonably anticipated impact on the values of nearby properties;

(7)

The suitability of the sign's proportions and structural design for the character of nearby uses authorized under existing zoning and the city's land use plan; and

(8)

Other comparable and reasonable considerations relevant to the proposed sign site and the uses and designs of nearby properties and nearby rights-of-way.

(d)

The city council's ordinance of approval may establish conditions on the appearance, location, and positioning of the replacement sign needed to assure compliance with the purposes of this subsection.

(12)

~~*Amortization.* With the exception of nonconforming signs which are replaced pursuant to the provisions of subsection 19-6.6.5(A)(11), all nonconforming Type I signs shall be amortized over a period of six years from the date on which their nonconforming status begins or from May 9, 2005, whichever is later. At the end of its amortization period, a Type I sign shall be permanently removed at the owner's expense and no cash or in-kind payment shall be due from the city. In the event any court of competent jurisdiction determines that subsection 19-6.6.5(A)(12) to be invalid under state or federal law, then subsection 19-6.6.5(A)(11) which authorizes the replacement of signs at new or existing locations shall be repealed automatically without further~~

~~action of city council.~~

(13)

~~*Federal aid highways.* To the extent provisions of federal or state statutory law pre-empt enforcement of this section as to Type I signs in close proximity to roads in the federal aid highway system, enforcement is suspended until the change of statutory law precluding enforcement and amortization shall commence at that time. Implementation of this section shall be subject to federal and state statutes otherwise applicable to Type I signs.~~

(B)

Type II Signs. Type II outdoor advertising signs shall be permitted on city-approved public transportation shelters only.